

MACOMB TOWNSHIP BOARD OF TRUSTEES REGULAR MEETING HELD ON
WEDNESDAY, AUGUST 25, 2004
AT 7:00 P.M.

LOCATION: MACOMB TOWNSHIP MEETING CHAMBERS
54111 BROUGHTON ROAD
MACOMB, MICHIGAN 48042

PRESENT: JOHN D. BRENNAN, SUPERVISOR
MICHAEL D. KOEHS, CLERK
MARIE MALBURG, TREASURER
TRUSTEES: DINO F. BUCCI, JR.
JANET DUNN
CHARLES OLIVER

ABSENT: None

Also in attendance: Jack Dailey, Community Planning Consultant
Robert Seibert, Township Attorney
James Van Tiflin, Township Engineer of Spalding DeDecker
Associates. (Additional attendance record on file with Clerk)

CALL MEETING TO ORDER

Supervisor BRENNAN called the meeting to order at 7:00 p.m.

PLEDGE OF ALLEGIANCE

ROLL CALL

Clerk KOEHS called the roll. All members present.

1. Approval of Agenda Items (with any corrections)

MOTION by DUNN seconded by BUCCI to approve the agenda as amended.

MOTION carried.

2. Approval of Bills

MOTION by OLIVER seconded by KOEHS to approve both bill runs as submitted.

MOTION carried.

3. Approval of the August 11, 2004 previous meeting minutes

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MOTION by DUNN seconded by MALBURG to approve the previous meeting minutes as submitted.

MOTION carried.

4. **CONSENT AGENDA ITEMS:**

4a. **Clerks Department:**

1. Request to approve the release of Model Permit Bond; Emerald Green Subdivision, Lot 62. Section 5
2. Request to approve the release of Model Permit Bond; Hidden Meadows Subdivision, Lot 46. Section 21
3. Request to approve the release of Landscape Bond; Winding Creek Subdivision. Section 5
4. Request to approve Model Permits; Brook Run Subdivision, Lots 16, 17, 55 & 79. Section 21
5. Request to approve the release of Model Permit Bond; Windemere Farms, Bldg 2 Unit 8. Section 34

4b. **Department Monthly Reports:**

1. Macomb County Sheriffs Department
2. Building Department
3. Fire Department
4. Water/Sewer Department
5. Parks and Recreation Department

4c. **Water & Sewer Department:**

1. Easement Encroachment Agreement, Donald C. & Montaha J. Kuntz, 21445 Sue Ellen Drive, Macomb, MI 48044, Lot 23, Southfork Estates Subdivision.
2. Easement Encroachment Agreement, Mark A. & Christina J. Moore, 51121 Ace Drive, Macomb, MI 48042, Lot 10, Fairways of Macomb Subdivision.
3. Easement Encroachment Agreement, Brian M. & Linda T. Bailey, 51930 Emil Drive, Macomb, MI 48042, Lot 46, Meerschaert Farms Subdivision.
4. Easement Encroachment Agreement, Mark McFarland & Lisa Doyle-McFarland, 55712 Danube Ave., Macomb, MI 48042, Lot 80, The Rivers Subdivision No. 1.
5. Easement Encroachment Agreement, Alan D. & Kathleen U. Lusky, 20142 Bannister Drive, Macomb, MI 48044, Lot 250, Lancaster Subdivision No. 2.
6. Easement Encroachment Agreement, Brandin & Kandace Laschinski, 19801 DeMil Drive, Macomb, MI 48044, Lot 160, Koss Farms Subdivision.
7. Easement Encroachment Agreements for City of Detroit i.e. Legacy Farms, Water Main extension (Revised Plans).

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MOTION by BUCCI seconded by MALBURG to approve the consent agenda items as submitted.

MOTION carried.

5. Public Comments (Non Agenda items only - 3 minute time limit) None

PUBLIC HEARING:

6. Street Lighting; SAD; Fallbrooke Farms Subdivision; Located on the north side of 25 Mile Road approximately 700' west of Broughton Road; Elro Corporation, Petitioner. Permanent Parcel No. 08-04-400-036.

Supervisor BRENNAN opened the Public Hearing at 7:03 p.m.

Supervisor BRENNAN reviewed the Street Lighting request for Fallbrooke Farms Subdivision.

Petitioner Present: Daniel S. Spatafora of Elro Corporation

Public Portion: None

MOTION by MALBURG seconded by OLIVER to close the Public Hearing at 7:05 p.m.

MOTION carried.

MOTION by OLIVER seconded by DUNN to Adopt the Resolution for the street lighting request; SAD for Fallbrooke Farms Subdivision; Permanent Parcel No. 08-04-400-036 as follows:

FOR THIS MOTION: OLIVER, DUNN, BUCCI, MALBURG, KOEHS, BRENNAN.

OPPOSED: NONE

ABSENT: NONE

SAD, Street Lighting Fallbrooke Farms and Brookwoods Subdivision

RESOLUTION ORDERING ESTABLISHMENT

OF STREET LIGHTING DISTRICT

MACOMB TOWNSHIP BOARD OF TRUSTEES REGULAR MEETING HELD ON
WEDNESDAY, AUGUST 25, 2004
AT 7:00 P.M.

**Minutes of a regular meeting of the Township Board of the Township of Macomb,
County of Macomb, Michigan, held in the Township Hall in said Township on
August 25, 2004, at 7:00 P.M., Eastern Daylight Savings Time.**

**PRESENT: John D. Brennan, Michael D. Koehs, Marie E. Malburg, Dino F.
Bucci, Jr., Charles Oliver and Janet Dunn.**

ABSENT: None.

**The following preamble and resolution were offered by Member OLIVER and
supported by Member DUNN.**

**WHEREAS, pursuant to 1989 PA 80 (the "Act"), the Township Board is
empowered to establish a Special Assessment for the installation and maintenance of
street lighting on its motion or upon the submission of petitions as prescribed in the
Act; and**

**WHEREAS, the Township Board has determined that the installation of a
street light or lights illuminating street serving lands described in Exhibit "A" is
necessary to preserve the public health; and**

**WHEREAS, the Township Board desires to establish a Special Assessment
District obligating the benefited owners to pay for the cost of installation and
operation of street lighting; and**

**WHEREAS, a public hearing for the establishment of a Special Assessment
District for street lighting was held coincident with this meeting and was prefaced
by published and mailed notice as required by the Act and 1962 PA 162.**

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP BOARD OF
THE TOWNSHIP OF MACOMB, MACOMB COUNTY, MICHIGAN:**

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1. It is hereby directed that a street light or lights shall be installed at Fallbrooke Farms and Brookewoods Subdivision, which will illuminate streets, serving and benefiting the lot(s) and/or parcel(s) of land described in Exhibit "A".

2. A Special Assessment District consisting of the lot(s) and parcel(s) described in Exhibit "A" is hereby established and the cost for installation of said street lights(s) and all future electrical service be levied against the parcel(s) and/or lot(s) so described in direct proportion to the benefit conferred.

3. The initial installation shall equal the sum of \$45,682.12, together with the first annual electrical service charge in the amount of \$9,121.90, the Township's at-large contribution is \$0.00.

4. The Township Board shall hereafter annually determine the amount to be assessed in the district for lighting and shall direct the assessor to levy this amount. The assessment may be made either in a special assessment roll or in a column provided in the regular tax roll. The assessment shall be spread and become due and be collected at the same time as the other Township taxes are assessed, levied and collected and shall be returned in the same manner for nonpayment.

AYES: OLIVER, DUNN, BUCCI, MALBURG, KOEHS, BRENNAN.

NAYS: NONE

OPPOSED: NONE

**MICHAEL D. KOEHS, CMC
MACOMB TOWNSHIP CLERK**

SAD, Street Lighting, Fallbrooke Farms and Brookewoods Subdivision

EXHIBIT "A"
LEGAL DESCRIPTION OF
SPECIAL ASSESSMENT LIGHTING DISTRICT

Brookewoods Subdivision

Part of the SE ¼ of Section 4, T.3N., R.13E., Macomb Township, Macomb County, Michigan, described as: Commencing at the SE corner of Section 4; thence S89°02'17"W 840.88 ft. along the South line of Section 4 and centerline of 25 Mile Road to a point of beginning; thence continuing S89°02'17"W 218.00 ft. along said South line of Section 4 and centerline of 25 Mile Road; thence N00°57'43"E 599.45 ft. to the point of beginning.

Fallbrooke Farms Subdivision

Part of the SE ¼ of Section 4, T3N., R13E., Macomb Township, Macomb County, Michigan, described as: Commencing at the SE corner of Section 4; Thence S89°02'17"W 660.23 feet along the south line of Section 4 and centerline of 25 Mile Road (33 feet half width) for a point of beginning; Thence continuing S89°02'17"W 180.65 feet along the south line of Section 4 and centerline of 25 Mile Road; Thence N00°57'43"W 599.45 feet; Thence S89°02'18"W 218.00 feet; Thence S00°57'43"E 599.45 feet to the south line of Section 4 and centerline of 25 Mile Road; Thence S89°02'17"W 282.88 feet along south line of Section 4 and centerline of 25 Mile Road; Thence N00°33'30"W 2544.99 feet; Thence S86°43'02"E 697.10 feet to the west line of "A. Henry Kotner's Beverly Gardens Subdivision", Part of the E ½ of the E ½ of the SE 1/4, Section 4, T3N., R13E., Macomb Township, Macomb County, Michigan, recorded in Liber 38 of Plats, Page 16, Macomb County Records; Thence S00°14'10"E 2493.53 feet along the west line of "A. Henry Kotner's Beverly Gardens Subdivision", and to the point of beginning. Containing 1604021 square feet or 36.823 acres, more or less. Subject to existing 25 Mile Road right of way over the south 33.00 feet of the above described property.

Pre-Printed Portion of document
drafted by:

Lawrence W. Dloski
SEIBERT AND DLOSKI, PLLC
59 N. Walnut, 202 Vicant Building
Mt. Clemens, MI 48043

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**AFTER RECORDING RETURN TO: Michael D. Koehs, CMC
Macomb Township Clerk
54111 Broughton Road
Macomb, MI 48042**

RESOLUTION DECLARED ADOPTED.

7. Proposed Amendments to the Macomb Township Master Thoroughfare Plan; Eliminate the proposed extension of Plum Grove Road; Section 32; Macomb Township Planning Commission, Petitioner.

Jack Dailey, Community Planning Consultants, reviewed the proposed amendments to the Township Master Thoroughfare Plan as to the elimination of the proposed extension of Plum Grove Road.

Public Portion: None

MOTION by OLIVER seconded by BUCCI to approve the Proposed Amendments to the Macomb Township Master Thoroughfare Plan to Eliminate the proposed extension of PlumGrove Road; Section 32; Macomb Township Planning Commission, Petitioner. This motion is based on the Planning Consultants recommendations as follows:

It is recommended that the Master Thoroughfare Plan be amended to eliminate the extension of Plum Grove Road out to Hall Road. In order to implement the Master Thoroughfare Plan it would be necessary for the RCMC to condemn subject property. As noted in the Planning Consultants findings, the parcel where the proposed extension would cross to reach Hall Road has been approved for office buildings. The property owner of said parcel and the residents of the Plum Grove Subdivision objected to the extension of Plum Grove.

MOTION carried.

PLANNING COMMISSION:

8. Request to Create an Industrial Development District; Rauhorn Electric; Located on the north side of 23 Mile Road and west of Regency; P.R. Enterprises, Petitioner. Permanent Parcel No. 08-17-300-002. *(Tabled from the 08-11-04 TWP Meeting)*

Supervisor BRENNAN discussed how the petitioner has requested to table the item on several occasions. Robert Seibert, Township Attorney, stated that if the petitioner has requested to table the item to provide further information which has yet to be submitted then the Board should deny the request.

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Petitioner Present: None

Public Portion: None

MOTION by KOEHS seconded by MALBURG to deny the Request to Create an Industrial Development District; Rauhorn Electric; Permanent Parcel No. 08-17-300-002.

MOTION carried.

9. Tentative Preliminary Plat; Pine Valley Subdivision (49 lots); Located on the east side of Luchtman Road approximately ¼ mile south of 26 Mile Road; Northern Macomb Development, Petitioner. Permanent Parcel No. 08-04-100-018

Jack Dailey, Community Planning Consultant, reviewed the request and recommendations for approval.

Petitioner Present: Not present

Public Portion: None

MOTION by DUNN seconded by OLIVER to follow the Planning Commission and Planning Consultants recommendation to approve the Tentative Preliminary Plat; Pine Valley Subdivision (49 lots); Permanent Parcel No. 08-04-100-018

MOTION carried.

10. Land Division Variance; Bellagio Subdivision (264 lots); Located south of 26 Mile and west of Romeo Plank Road. Franco Mancini, Petitioner. Permanent Parcel No. 08-06-200-046

Jack Dailey, Community Planning Consultant, reviewed the request and recommendations for approval.

Petitioner Present: Bob Lindh of Urban Land Consultants

Public Portion: None

MOTION by DUNN seconded by OLIVER to approve the Land Division Variance relating to Section 17-140(12)(13); Bellagio Subdivision (264 lots); Permanent Parcel No. 08-06-200-046.

FOR THIS MOTION: DUNN, OLIVER, BUCCI, MALBURG, KOEHS, BRENNAN.

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OPPOSED: NONE

ABSENT: NONE

MOTION carried.

11. Final Preliminary Plat; Bellagio Subdivision (264 lots); Located south of 26 Mile Road and west of Romeo Plank Road. Franco Mancini, Petitioner. Permanent Parcel No. 08-06-200-046

Jack Dailey, Community Planning Consultant, reviewed the request and recommendations for approval.

Petitioner Present: Bob Lindh of Urban Land Consultants

Public Portion: None

MOTION by OLIVER seconded by BUCCI to approve the Final Preliminary Plat; Bellagio Subdivision (264 lots) Permanent Parcel No. 08-06-200-046.

MOTION carried.

12. Use of Temporary Sales Trailer; The Gateway Village Estates Subdivision; Located on the east side of Hayes Road, ¼ mile north of 24 Mile Road. Sal-Mar Gateway Village Estates, LLC, Petitioner. Permanent Parcel No. 08-07-300-014 (Lot 58 of the proposed Gateway Village Estates Subdivision).

Jack Dailey, Community Planning Consultant, reviewed the request and recommendations for approval.

Petitioner Present: Thomas Treppa and Pete Maniccia

Public Portion: None

MOTION by DUNN seconded by MALBURG to approve the use of the temporary sales trailer for one year connected with the Gateway Village Estates Site Plan. Permanent Parcel No. 08-07-300-014.

MOTION carried.

13. Preliminary Plan Review; Breton Woods Condominiums (56 units); Located on the northeast corner of 25 Mile Road and Hayes Road (excluding the immediate corner); Elro Corporation, Petitioner. Permanent Parcel No. 08-06-300-033

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Jack Dailey, Community Planning Consultant, reviewed the request and recommendations for approval.

Petitioner Present: Daniel S. Spatafora of Elro Corporation

Public Portion: None

MOTION by KOEHS seconded by DUNN to approve the Preliminary Plan Review; Breton Woods Condominiums (56 units); based on the Planning Consultants recommendations. Permanent Parcel No. 08-06-300-033

MOTION carried.

14. Land Division Variance; Golfview Estates Subdivision; Located east of North Avenue approximately ½ mile north of 21 Mile Road. Paul Henderson, Petitioner. Permanent Parcel No. 08-25-301-001

Jack Dailey, Community Planning Consultant, reviewed the request and recommendations for approval.

Petitioner Present: Craig Duckwitz of Anderson Eckstein & Westrick

Public Portion: None

MOTION by OLIVER seconded by MALBURG to approve the request to vary the Land Division Ordinance to allow to eliminate a stub street from Golfview Drive to the property to the north; Golfview Estates Subdivision (32 lots); Permanent Parcel No. 08-25-301-001.

MOTION carried.

15. Tentative Preliminary Plat; Golfview Estates Subdivision (32 lots); Located east of North Avenue approximately ½ mile north of 21 Mile Road. Paul Henderson, Petitioner. Permanent Parcel No. 08-25-301-001

Jack Dailey, Community Planning Consultant, reviewed the request and recommendations for approval.

Petitioner Present: Craig Duckwitz of Anderson Eckstein & Westrick

Public Portion: Several Township residents addressed their concerns regarding flood plain issues, flooding, detention basins, drainage concerns, grade levels and discussed the future square footage of the homes.

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MOTION by OLIVER seconded by BUCCI to approve the Tentative Preliminary Plat; Golfview Estates Subdivision (32 lots); Permanent Parcel No. 08-25-301-001

MOTION carried.

16. Preliminary Review; Town Center Area; Located on the north side of 24 Mile Road east of Luchtman Road, Polaris Enterprises, Petitioner. Permanent Parcel No. 08-09-300-014.

Jack Dailey, Community Planning Consultant, reviewed the request and recommendations for approval.

Petitioner Present: Craig Duckwitz of Anderson Eckstein & Westrick

Public Portion: A Sterling Heights resident, present on behalf of Township relative expressed his concerns regarding the price values of future homes, square footage and the impact to adjacent residential areas.

MOTION by OLIVER seconded KOEHS to approve the Preliminary Review; Town Center Area; Located on the north side of 24 Mile Road east of Luchtman Road, Polaris Enterprises, Petitioner. Permanent Parcel No. 08-09-300-014.

MOTION carried.

NEW BUSINESS:

17. Request Authorization for the Township Attorney to defend the Township of Macomb in the matter of John Anton Builders, Inc. v Jay B. Rising, et al

Administrative

MOTION by BUCCI seconded by MALBURG to authorize the Township Attorney to defend the Township of Macomb in the matter of John Anton Builders, Inc. v Jay B. Rising, et al.

MOTION carried.

18. Request to schedule public hearing date for September 22, 2004 SAD; Street Lighting Request; Highland Hills Condominiums. Section 20

Administrative

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MOTION by OLIVER seconded by KOEHS to schedule the public hearing for September 22, 2004; SAD; Street Lighting Request; Highland Hills Condominiums. Section 20.

MOTION carried.

OLD BUSINESS:

19. Request authorization for the Township Attorney to execute the Possession and Use Agreement; Rigole, Easement; Romeo Plank Road south of 23 Mile Road.

Supervisor BRENNAN reviewed the request.

Public Portion: None

MOTION by DUNN seconded by MALBURG to approve the request and authorize the Township Attorney to execute the Possession and Use Agreement; Rigole, Easement; Romeo Plank Road south of 23 Mile Road.

MOTION carried.

HUMAN RESOURCE DEPARTMENT:

20. Request for Leave of Absence

Supervisor BRENNAN reviewed the six month leave of absence request and the Human Resource Directors recommendation for denial.

Public Portion: None

MOTION by KOEHS seconded by OLIVER to follow the Human Resource Directors recommendation and deny the six month leave of absence request submitted by Donald Sheff, a Paid on Call Township Fire Fighter.

MOTION carried.

INFORMATION TECHNOLOGY DEPARTMENT:

21. Request approval for replacement of exchange email software and hardware.

Jim Koss, Information Technology Department Director, reviewed the request.

Public Portion: None

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MOTION by KOEHS seconded by DUNN to approve the request and authorize Jim Koss, Township Information Technology Department Director, to purchase the Microsoft Server Applications 2003 for replacement of exchange email software for the total cost of Five Thousand One Hundred Forty Eight dollars and 70/100 (\$5,148.70) and also purchase one custom built computer hardware system through Computer Builders Warehouse (CBW) for the total cost of Six Thousand Four Hundred Thirty Nine dollars and 00/100 (\$6,439.00) including a one year manufacture warranty.

MOTION carried.

WATER/SEWER DEPARTMENT:

22. Request approval to pay John Carlo Force Account, for 21 Mile & Fairchild Meter & PRV, Temporary Connection, MA01-024.

David Koss, Water and Sewer Department Superintendent, reviewed the request.

Public Portion: None

MOTION by DUNN seconded OLIVER to approve the payment for work performed by John Carlo Inc. associated with 21 Mile Road and Fairchild Road Water Meter and PRV (Temporary Connection); Force Account Work; Job No. MA01-024 for the total amount of Twenty Two Thousand Five Hundred Twenty Eight dollars and 28/100 (\$22,528.00).

MOTION carried.

23. Approval of Purchase Requisitions
A. SLC Meter Service Inc.

David Koss, Water and Sewer Department Superintendent, reviewed the request.

Public Portion: None

MOTION by KOEHS seconded by MALBURG to approve the purchase requisition for water meter materials through SLC Meter Service Inc. for the total cost of Twenty Three Thousand Three Hundred Forty Eight dollars and 25/100 (\$23,348.25).

MOTION carried.

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David Koss, Water & Sewer Department Superintendent, briefly updated the Board on the sink hole issue located in the City of Sterling Heights on 15 Mile between Utica Road and Moravian Road and how it effects the Township.

Informational only. No action taken

BOARD COMMENTS:

24. Supervisor Comments:

Addition:

24a. Township Reimbursement Policy involving Travel, Meals and Mileage expenses.

Supervisor BRENNAN discussed the item.

MOTION by DUNN seconded by MALBURG to approve the Township Reimbursement Policy as follows: Township employees will be reimbursed at the following maximum rates: Breakfast – Ten dollars and 00/100 (\$10.00), Lunch – Fifteen dollars and 00/100 (\$15.00) and Dinner – Twenty dollars and 00/100 (\$20.00). These rates include gratuity. Alcohol and Travel Time are excluded for reimbursement. Further, mileage will be reimbursed based on the Internal Revenue Service (IRS) rate. Township Employees will be required to submit an itemized bill for all expenses in connection for reimbursement.

MOTION carried.

Addition:

24b. School House Building; Located on the south side of 25 Mile Road future Macomb Township Fire Station No. 4 property. Permanent Parcel No. 08-08-101-042.

The Members of the Board discussed the condition of the school house building. After due consideration the Board agreed that the Township further research the historical features of the building, identify whether or not the cupola is salvageable and proceed with photo documentation. Further, the Township Supervisor will determine the direction as to what will be done with the building without affecting the development of Fire Station No. 4.

Public Portion: Township residents and Township Department Heads expressed their thoughts and suggestions with the school house building.

This item was informational only. No action taken

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Addition:

24c. Request to Release the Township Assessing Department BS&A Software records to SEMCOG

Supervisor BRENNAN reviewed the request.

MOTION by DUNN seconded by BUCCI to approve the request to release the Township Assessing Department BS&A Software records to SEMCOG.

MOTION carried.

25. Clerk Comments: None

26. Treasurer Comments: None

27. Trustees Comments: None

ADJOURNMENT:

MOTION by KOEHS seconded by BUCCI to adjourn the meeting at 8:38 p.m.

MOTION carried.

Respectfully,

John D. Brennan, Supervisor

Michael D. Koehs, CMC
Macomb Township Clerk
MDK/gmb